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Attorney for DANIEL CARLOS CHIRAMBERRO LARRATEGUI

9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

11 In re) Case No.: 14-26614-D-13G
12) D.C. No.: BJF-1
13 VALERIA EGUIGUREN LABORDE,)
14 Debtor.) Chapter 13
15)
16) DECLARATION IN SUPPORT OF
17) OBJECTION TO CONFIRMATION OF
18) DEBTOR’S CHAPTER 13 PLAN
19)
20) 341 Meeting: 9/17/14
21) Confirmation Hearing: 10/21/14
22) Confirmation Time: 10:00AM
23) Confirmation Court:
24) Robert T. Matusi United States Courthouse
25) 501 I Street
26) Sacramento, CA
27)
28) Judge: Hon. Robert S. Bardwill

I, DANIEL CARLOS CHIRAMBERRO LARRATEGUI, declare and state the following:

DECLARATION IN SUPPORT OF OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13

1. I am a Creditor herein. The facts stated herein are within my personal knowledge and I further affirmatively state that, if sworn as a witness, I could and would competently testify thereto.
2. VALERIA EGUIGUREN LABORDE (hereinafter referred to as “Debtor) and I were married in Argentina. I obtained a child support order from the Court requiring Debtor to pay me. She has refused to do so and an arrears balance currently exists. I received the final court order from the Argentinean court regarding custody and child support of our minor child.
3. I am in the process of obtaining the Argentinian paperwork regarding the child support currently owed and will amend my petition once the document have been received and translated.
4. After our divorce, Debtor took our minor child from Argentina and retained the minor child in the United States illegally, fraudulently and in contravention of the Argentinian Court Order regarding child custody.
5. The District Attorney’s Office and I instituted a kidnapping case against the Debtor in Superior Court in the County of Sacramento.
6. The Debtor removed the case to the United States District Court Eastern District of California, as case No. 2:13-cv-01175 JAM-EFB.
7. A bench trial regarding the abduction and kidnapping of the minor child was held on December 5, 2013.
8. In that proceeding the Court granted my petition to return the minor child to Argentina pursuant to the Hague Convention on the Civil Aspects of International Child Abduction

DECLARATION IN SUPPORT OF OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13

1 of 1980 (“the Hague Convention”), implemented by the International Child Abduction
2 Remedies Act of 1988 (“ICARA”).

3 9. On or around May 22, 2014, the same Court awarded my request for attorney’s fees and
4 costs in the amount of \$38,950.98 under Article 26 of the Hague Convention and 42
5 U.S.C. § 11607 of ICARA. See Exhibit A, Court Order.

6
7 10. On or about June 25, 2014, Debtor filed her Chapter 13 Plan (“Plan”) which provides for
8 payment to the Trustee in the sum of \$175.00 per month for sixty (60) months. However,
9 Debtor’s Plan does not provide for the cure of the pre-petition child support arrears nor
10 for the ongoing child support payments, and also fails to account for payments on the
11 attorney fee award which was incurred during the litigation of the abduction and
12 kidnapping of our minor child. See Exhibit B, Chapter 13 Plan.

13
14 11. I respectfully object to the Chapter 13 Plan filed by Debtor and request that it either be
15 dismissed, or in the alternative that the plan payments be increased to account for the
16 child support arrears, and the attorney’s fees and costs awarded to me in the Hague
17 proceeding.

18
19 12. This declaration was translated to me in Spanish prior to my execution.
20

21
22 I declare under penalty of perjury that the foregoing is true and correct and that this declaration is
23 executed on September 23, 2014, at Buenos Aires, Argentina, S.A.
24

25
26 /s/ Daniel Carlos Chiramnerro Larrategui
27 Daniel Carlos Chiramnerro Larrategui,
28 Creditor

DECLARATION IN SUPPORT OF OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13